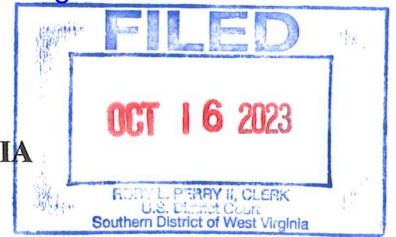


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION



JOHN ANTHONY CASTRO,
Plaintiff,

vs.

SECRETARY OF STATE
ANDREW WARNER, and
DONALD JOHN TRUMP,
Defendants.

WEST VIRGINIA REPUBLICAN PARTY,
Intervenor.

2:23-cv-00598

PRO SE AMICUS CURIAE

Addendum

Pro Se Received a copy of this courts order (document 43 filed 10-11-23) on 10-13-23
Regrettably Pro Se has not been able to find a pdf of Document 44
“MOTION by State of West Virginia to Dismiss Complaint” filed 10-12-23

PRO SE IS AN ELIGIBLE VOTER A NATURAL BORN CITIZEN OF THE UNITED STATES AND
CURRENTLY A RESIDENT OF THE STATE OF WEST VIRGINIA.

As such PRO SE has the 9th right of choice to exercise the 1st right to redress.

PRO SE hereby exercises both to aid and help the court in this matter.

A selfish or avaricious executive might, under such circumstances, **be disposed to make the most** he could for himself, **and his friends, and partisans**, during his brief continuance in office, **and to introduce a system of official patronage and emoluments, at war with the public interests**, but well adapted to his own. **If he were vain and ambitious, as well as avaricious and selfish**, the transient possession of his honours would depress the former passions, and give new impulses to the latter. **He would dread the loss or gain more, than the loss of fame; since the power must drop from his hands too soon to ensure any substantial addition to his reputation. On the other hand, his very ambition, as well as his avarice, might tempt him to usurpation;** since the chance or impeachment would scarcely be worthy of thought; **and the present power or serving friends might easily surround him with advocates for every stretch of authority, which would flatter his vanity, or administer to their necessities.**

Story, Joseph. Commentaries on the Constitution of the United States

Pro Se restates

FOUNDING FATHER and SIGNER SCOTUS JUSTICE CHASE adjudicated and defined the following,

APRIL 29, 1800.

CASE OF FRIES. [Whart. St. Tr. 610.]

TREASON AGAINST UNITED STATES DEFINED—INSURRECTION TO RESIST EXECUTION OF A LAW—INTENT—NUMBERS ENGAGED—PRINCIPAL AND ACCESSORY.

[1. An insurrection or rising of any body of the people to resist, or to prevent

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by force or violence, the execution of any statute of the United States for levying or collecting taxes, duties, imposts, or excises, or for calling forth the militia to execute the laws of the Union, or for any other object of a general nature or national concern, under any pretence, as that the statute is unjust, burthensome, oppressive, or unconstitutional, is "levying war" against the United States within the contemplation and construction of the constitution.]

Defendant Trump Ipse Dixit "Our country has had enough. We will not take it anymore and that's what this is all about. And to use a favorite term that all of you people really came up with: **We will stop the steal.**" 1-6-21

<https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>

It is self evident the defendant Trump violated his oath of office failed to "take care" the elector count law 3 U.S. Code § 15 - Counting electoral votes in Congress was faithfully executed not out of any duty but pure personal benefit. **Defendant Trump has a history of acting under the color of office and failure to "take care" from the beginning of his first term.**

8 USC 1103 (a)(1)

"Provided, however, That determination and ruling by the Attorney General with respect to all questions of law shall be controlling."

AAG Sally Yates made such a "determination and ruling"

<https://www.npr.org/2017/01/30/512534805/justice-department-wont-defend-trumps-immigration-order>

January 30, 2017 7:09 PM ET

"President Trump has fired Acting Attorney General Sally Yates, concluding she has **"betrayed the Department of Justice"** by refusing to defend his executive order that imposes a temporary ban on refugees and visa holders from seven majority-Muslim countries.

"At present, I am not convinced that the defense of the Executive Order is consistent with these responsibilities nor am I convinced that the Executive Order is lawful.

Consequently, for as long as I am the Acting Attorney General, the Department of Justice will not present arguments in defense of the Executive Order, unless and until I become convinced that it is appropriate to do so." AAG Yates

Though the end

September 8, 2020

WASHINGTON — Later this month, the Internal Revenue Service will start mailing letters to roughly **nine million Americans** who typically don't file federal income tax returns who may be eligible for, but have not registered to claim, an Economic Impact Payment.

<https://www.irs.gov/newsroom/irs-to-mail-special-letter-to-estimated-9-million-non-filers-urging-them-to-claim-economic-impact-payment-by-oct-15-at-irsgov>

“(3) TIMING AND MANNER OF PAYMENTS.— “(A) TIMING.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible.”

The court should note people were not required to do anything by law **except be a TAXPAYER.**

PRO SE knows not of any intervening by WV or any Executive or Judicial agents in that matter.

Those only act when in the best interests of their Party as WV A.G. does here. PRO SE is 1 of 9 million, See *Westfall v. Trump* (1:20-cv-00207) District Court, N.D. West Virginia

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"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, **preserve, protect** and **defend** the Constitution of the United States."

1792 Dictionary of the English Language

SUPPORT : To Sustain, *to prop to bear up* **To endure without being subdued** Act or power of sustaining

Sustain	<i>to prop to bear up</i>	<u>To endure without being subdued</u>
Preserve	<i>protect</i>	<u>defend</u>

"Neither shall any person be **eligible** to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."

1792 Dictionary of the English Language

ELIGIBILITY: Worthiness to be chosen

ELIGIBLE: fit to be chosen; preferable

ELIGIBLENESS: Worthiness to be chosen; preferableness

Neither Defendant Trump nor Jonathan Derrick Evans, who PRO SE mentioned in first brief, are eligible for any office under the U.S. Constitution or those of the several states.

Concluding, [5. **There are no accessories to the crime of treason; but all the particeps criminis are principals.** All persons present, aiding, assisting, or abetting any treasonable act, or who are present, countenancing, and are ready to afford assistance, if necessary, to those committing a treasonable act, are principals.] may apply to those in opposition to JOHN ANTHONY CASTRO, **Plaintiff**, complainant. Not just here in W.V. but the other 49 states as well. A federal district court may enjoin a law nationally, in the same breath it may nationally issue a **mandamus** "an order from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion" removing all such ineligible persons from the ballots.

See also: <https://www.npr.org/2022/09/06/1121307430/couy-griffin-otero-county-insurrection-fourteenth-amendment>

A New Mexico judge cites insurrection in barring a county commissioner from office

"A county official in New Mexico who was convicted of entering a restricted area during the Jan. 6 riot at the U.S. Capitol must be immediately removed from office for his involvement in an insurrection, a judge decided Tuesday.

District Court Judge Francis Mathew ruled that Couy Griffin, an Otero County commissioner, is now disqualified from holding public office because he violated Section 3 of the Fourteenth Amendment by participating in the Jan. 6 siege."

Respectfully,

 10-14-23

Joseph L. Westfall PRO SE (H.S. Diploma)